
	FEE TRANSMITTAL	
	TOTAL AMOUNT OF PAYMENT	
	Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$790.00)	
	Complete if Known	
	Application Number	09/966,036
	Filing Date	September 28, 2001
First Named Inventor	Dorrie M. Happ	
Group Art Unit	1615	
Examiner Name	Blessing M. Fubara	
Attorney Docket Number	50623.132	

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																									
1. The Commissioner is hereby authorized to: <input checked="" type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. [†] <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Deposit Account Number: 07-1850 Deposit Account Name: Squire, Sanders & Dempsey A Duplicate Copy of this authorization is attached 2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Other		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity Fee Code/Fee</th> <th>Small Entity Fee Code/Fee</th> <th>Fee Description</th> <th>Fee Due</th> </tr> </thead> <tbody> <tr><td>1051/\$130</td><td>2051/\$65</td><td>Surcharge - late filing fee or oath</td><td><input type="text"/></td></tr> <tr><td>1052/\$50</td><td>2052/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td><input type="text"/></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td><input type="text"/></td></tr> <tr><td>1251/\$120</td><td>2251/\$60</td><td>Extension for response within first month[†]</td><td><input type="text"/></td></tr> <tr><td>116/\$450</td><td>2252/\$225</td><td>Extension for response within second month[†]</td><td><input type="text"/></td></tr> <tr><td>1253/\$1,020</td><td>2253/\$510</td><td>Extension for response within third month[†]</td><td><input type="text"/></td></tr> <tr><td>1254/\$1,590</td><td>2254/\$795</td><td>Extension for response within fourth month[†]</td><td><input type="text"/></td></tr> <tr><td>1255/\$2,160</td><td>2255/\$1,080</td><td>Extension for response within fifth month[†]</td><td><input type="text"/></td></tr> <tr><td>1401/\$500</td><td>2401/\$250</td><td>Notice of Appeal</td><td><input type="text"/></td></tr> <tr><td>1453/\$1,500</td><td>2453/\$750</td><td>Petition to revive unintentionally abandoned Application</td><td><input type="text"/></td></tr> <tr><td>1501/\$1,400</td><td>2501/\$700</td><td>Utility Issue Fee (Or Reissue)</td><td><input type="text"/></td></tr> <tr><td>1502/\$800</td><td>2502/\$400</td><td>Design Issue Fee</td><td><input type="text"/></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td><input type="text"/></td></tr> <tr><td>123/\$50</td><td>123/\$50</td><td>Petitions related to provisional applications</td><td><input type="text"/></td></tr> <tr><td>1806/\$180</td><td>1806/\$180</td><td>Submission of Information Disclosure Statement</td><td><input type="text"/></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td><input type="text"/></td></tr> <tr><td>1809/\$790</td><td>2809/\$395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td><input type="text"/></td></tr> <tr><td>1801/\$790</td><td>2801/\$395</td><td>Request for Continued Examination (RCE)</td><td>790</td></tr> <tr><td colspan="2">Other fee (specify):</td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td colspan="2">Other fee (specify):</td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td colspan="3">SUBTOTAL (3)</td><td>(\$790)</td></tr> </tbody> </table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	1051/\$130	2051/\$65	Surcharge - late filing fee or oath	<input type="text"/>	1052/\$50	2052/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>	147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>	1251/\$120	2251/\$60	Extension for response within first month [†]	<input type="text"/>	116/\$450	2252/\$225	Extension for response within second month [†]	<input type="text"/>	1253/\$1,020	2253/\$510	Extension for response within third month [†]	<input type="text"/>	1254/\$1,590	2254/\$795	Extension for response within fourth month [†]	<input type="text"/>	1255/\$2,160	2255/\$1,080	Extension for response within fifth month [†]	<input type="text"/>	1401/\$500	2401/\$250	Notice of Appeal	<input type="text"/>	1453/\$1,500	2453/\$750	Petition to revive unintentionally abandoned Application	<input type="text"/>	1501/\$1,400	2501/\$700	Utility Issue Fee (Or Reissue)	<input type="text"/>	1502/\$800	2502/\$400	Design Issue Fee	<input type="text"/>	122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>	123/\$50	123/\$50	Petitions related to provisional applications	<input type="text"/>	1806/\$180	1806/\$180	Submission of Information Disclosure Statement	<input type="text"/>	581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>	1809/\$790	2809/\$395	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>	1801/\$790	2801/\$395	Request for Continued Examination (RCE)	790	Other fee (specify):		<input type="text"/>	<input type="text"/>	Other fee (specify):		<input type="text"/>	<input type="text"/>	SUBTOTAL (3)			(\$790)
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																								
1051/\$130	2051/\$65	Surcharge - late filing fee or oath	<input type="text"/>																																																																																								
1052/\$50	2052/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>																																																																																								
147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>																																																																																								
1251/\$120	2251/\$60	Extension for response within first month [†]	<input type="text"/>																																																																																								
116/\$450	2252/\$225	Extension for response within second month [†]	<input type="text"/>																																																																																								
1253/\$1,020	2253/\$510	Extension for response within third month [†]	<input type="text"/>																																																																																								
1254/\$1,590	2254/\$795	Extension for response within fourth month [†]	<input type="text"/>																																																																																								
1255/\$2,160	2255/\$1,080	Extension for response within fifth month [†]	<input type="text"/>																																																																																								
1401/\$500	2401/\$250	Notice of Appeal	<input type="text"/>																																																																																								
1453/\$1,500	2453/\$750	Petition to revive unintentionally abandoned Application	<input type="text"/>																																																																																								
1501/\$1,400	2501/\$700	Utility Issue Fee (Or Reissue)	<input type="text"/>																																																																																								
1502/\$800	2502/\$400	Design Issue Fee	<input type="text"/>																																																																																								
122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>																																																																																								
123/\$50	123/\$50	Petitions related to provisional applications	<input type="text"/>																																																																																								
1806/\$180	1806/\$180	Submission of Information Disclosure Statement	<input type="text"/>																																																																																								
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>																																																																																								
1809/\$790	2809/\$395	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>																																																																																								
1801/\$790	2801/\$395	Request for Continued Examination (RCE)	790																																																																																								
Other fee (specify):		<input type="text"/>	<input type="text"/>																																																																																								
Other fee (specify):		<input type="text"/>	<input type="text"/>																																																																																								
SUBTOTAL (3)			(\$790)																																																																																								
1. FILING FEE <table border="1"> <thead> <tr> <th>Large Entity Fee Code/Fee</th> <th>Small Entity Fee Code/Fee</th> <th>Fee Description</th> <th>Fee Due</th> </tr> </thead> <tbody> <tr><td>1011/\$300</td><td>2011/\$150</td><td>Utility Filing</td><td><input type="text"/></td></tr> <tr><td>1017/\$200</td><td>2017/\$100</td><td>Design Filing</td><td><input type="text"/></td></tr> <tr><td>1014/\$300</td><td>2014/\$150</td><td>Reissue</td><td><input type="text"/></td></tr> <tr><td>1005/\$200</td><td>2005/\$100</td><td>Provisional Filing</td><td><input type="text"/></td></tr> <tr><td colspan="3">SUBTOTAL (1)</td><td>(\$0)</td></tr> </tbody> </table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	1011/\$300	2011/\$150	Utility Filing	<input type="text"/>	1017/\$200	2017/\$100	Design Filing	<input type="text"/>	1014/\$300	2014/\$150	Reissue	<input type="text"/>	1005/\$200	2005/\$100	Provisional Filing	<input type="text"/>	SUBTOTAL (1)			(\$0)																																																																		
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																								
1011/\$300	2011/\$150	Utility Filing	<input type="text"/>																																																																																								
1017/\$200	2017/\$100	Design Filing	<input type="text"/>																																																																																								
1014/\$300	2014/\$150	Reissue	<input type="text"/>																																																																																								
1005/\$200	2005/\$100	Provisional Filing	<input type="text"/>																																																																																								
SUBTOTAL (1)			(\$0)																																																																																								
2. CLAIMS <table border="1"> <thead> <tr> <th>Large Entity Fee Code/Fee</th> <th>Small Entity Fee Code/Fee</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>1202/\$50</td><td>2202/\$25</td><td>Claims in excess of 20</td></tr> <tr><td>1201/\$200</td><td>2201/\$100</td><td>Independent claims in excess of 3</td></tr> <tr><td>1203/\$360</td><td>2203/\$180</td><td>Multiple dependent claim</td></tr> </tbody> </table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	1202/\$50	2202/\$25	Claims in excess of 20	1201/\$200	2201/\$100	Independent claims in excess of 3	1203/\$360	2203/\$180	Multiple dependent claim																																																																														
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description																																																																																									
1202/\$50	2202/\$25	Claims in excess of 20																																																																																									
1201/\$200	2201/\$100	Independent claims in excess of 3																																																																																									
1203/\$360	2203/\$180	Multiple dependent claim																																																																																									
<table border="1"> <thead> <tr> <th>For</th> <th>(Col. 1) No. of Existing Claims</th> <th>minus*</th> <th>(Col. 2) Highest No. Previously Paid For</th> <th>=</th> <th>(Col. 3) Extra**</th> <th>x</th> <th>Fee</th> <th>=</th> <th>Fee Due</th> </tr> </thead> <tbody> <tr> <td>TOTAL</td> <td>41</td> <td>minus*</td> <td>20 or 41</td> <td>=</td> <td>0</td> <td>x</td> <td>\$50</td> <td>=</td> <td>\$0</td> </tr> <tr> <td>INDEP</td> <td>9</td> <td>minus*</td> <td>3 or 9</td> <td>=</td> <td>0</td> <td>x</td> <td>\$200</td> <td>=</td> <td>\$0</td> </tr> <tr> <td colspan="10">[] First presentation of multiple dependent claim</td> </tr> </tbody> </table>		For	(Col. 1) No. of Existing Claims	minus*	(Col. 2) Highest No. Previously Paid For	=	(Col. 3) Extra**	x	Fee	=	Fee Due	TOTAL	41	minus*	20 or 41	=	0	x	\$50	=	\$0	INDEP	9	minus*	3 or 9	=	0	x	\$200	=	\$0	[] First presentation of multiple dependent claim																																																											
For	(Col. 1) No. of Existing Claims	minus*	(Col. 2) Highest No. Previously Paid For	=	(Col. 3) Extra**	x	Fee	=	Fee Due																																																																																		
TOTAL	41	minus*	20 or 41	=	0	x	\$50	=	\$0																																																																																		
INDEP	9	minus*	3 or 9	=	0	x	\$200	=	\$0																																																																																		
[] First presentation of multiple dependent claim																																																																																											
110/\$18 210/\$9 Reissue claims in excess of 20 and over original Patent																																																																																											
		SUBTOTAL (2) (\$0)																																																																																									

* Subtract the greater number of Col. 2

** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	Paul J. Meyer, Jr.	Reg. Number	47,791
Signature		Date	February 9, 2005



Express Mail Label No. EV 337975202 US

02-11-05

\$ RCE

PTO/SB/30 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL****Address to:
Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450**

Application Number	09/966,036
Filing Date	September 28, 2001
First Named Inventor	Dorrie M. Happ
Art Unit	1615
Examiner Name	Blessing M. Fubara
Attorney Docket Number	50623.132

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on ____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____
- iii. ☐ Other ____
- b. Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other ____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
- b. ☐ Other ____

3. Fees The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-1850
- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)
- iii. ☐ Other ____
- b. ☐ Check in the amount of \$ ____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Paul J. Meyer, Jr.	Registration No. (Attorney/Agent)	47,791
Signature		Date	February 9, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

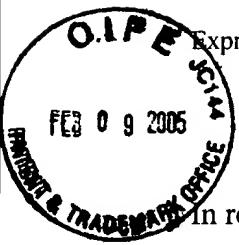
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in a box addressed to: Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Rebecca M. Klits	Date	February 9, 2005
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

02/14/2005 SSANDARA 00000009 071850 09966036

01 FC:1801 790.00 DA
SanFrancisco/144697.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: Blessing M. Fubara

Dorrie M. Happ

Serial No.: 09/966,036

Art Unit: 1615

Filed: September 28, 2001

Attorney's Docket Number: 50623.132

Title: A Medical Device Containing Light-Protected Therapeutic Agent And a Method For Fabricating The Same

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO OFFICE ACTION

Dear Examiner Fubara:

This is Response and the accompanying Request for Continued Examination address the Final Office Action mailed on November 30, 2004, which has a shortened statutory period for reply that ends on March 1, 2005.